

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE ENROLLED ACT No. 329

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AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 5-27 IS ADDED TO THE INDIANA CODE AS A **NEW ARTICLE TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2002]:

### **ARTICLE 27. ELECTRONIC PAYMENTS TO GOVERNMENTAL BODIES**

#### **Chapter 1. Applicability**

**Sec. 1. This article applies to a governmental body that conducts a transaction through the computer gateway administered by the intelenet commission.**

#### **Chapter 2. Definitions**

**Sec. 1. The definitions in this chapter apply throughout this article.**

**Sec. 2. "Contract" means the total legal obligation resulting from the parties' agreement as affected by this chapter and other applicable law.**

**Sec. 3. "Electronic payment" means a payment by means of:**

- (1) a credit card;**
- (2) a debit card;**
- (3) a charge card;**
- (4) a stored value card;**
- (5) a bank card;**
- (6) an electronic check; or**

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(7) an electronic funds transfer, including but not limited to:

(A) Fed wire; and

(B) Automated Clearing House.

Sec. 4. "Governmental body" means the state or a state agency.

Sec. 5. "Provider company" means an individual, a corporation, a limited liability company, a partnership, a joint stock company, a business trust, a voting trust, a joint venture, an association, or a similar organization that provides a system allowing electronic payments.

### **Chapter 3. Electronic Payment**

Sec. 1. A governmental body may accept electronic payment for a service, a tax, a license, a permit, a fee, information, or any other amount due the governmental body for a transaction conducted through the computer gateway administered by the intelnet commission.

Sec. 2. (a) A governmental body may enter into a contract with a provider company to enable the governmental body to accept an electronic payment.

(b) A governmental body must use the provider company provided or specified by the network manager established by the intelnet commission under IC 5-21-2-2(c) to accept an electronic payment submitted to the governmental body as payment for a fee based service, license, or permit or for fee based information obtained through electronic access.

Sec. 3. (a) A governmental body may:

(1) if the governmental body obtains the consent of each governmental body that is directly affected by the transaction, recognize the net amount remitted by the provider company as payment in full of an amount due the governmental entity for a service, a tax, a license, a permit, a fee, information, or any other amount due the governmental body that was paid by an electronic payment; or

(2) collect a sum for the vendor transaction charge, discount fee, or any other charge from the person who makes an electronic payment.

A fee under subdivision (2) may be collected as an enhanced service fee by a governmental body. The fee is a permitted additional charge under IC 24-4.5-3-202.

(b) A governmental body may pay a service charge or fee in connection with its agreement with the provider company.

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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